

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:10-CR-199 ALM
	§	
ALEXANDRE DAVID WARD (13)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government’s request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 5, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Andrew Stover.

On July 22, 2015, Defendant was sentenced by the Honorable Amos L. Mazzant, United States District Judge, to a sentence of sixty (60) months imprisonment followed by a three (3) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Heroin. Defendant began his term of supervision on September 22, 2015.

On May 18, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 490). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer and submit a truthful and complete written report within the first five days of each month; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to controlled substances, except as prescribed by a physician;

(4) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; and (5) Defendant shall abstain from all use of alcohol.

The Petition alleges that Defendant committed the following violations: (1) On or about January 24, 2017, Defendant was convicted of the offense of Driving While Intoxicated, a Class B misdemeanor, in Denton County Criminal Court #5. The offense occurred on May 4, 2016, during Defendant's term of supervised release. On April 30, 2017, Defendant was arrested for the offense of Assault Causes Bodily Injury: Family Member, a Class A misdemeanor, by the Lewisville Police Department. It is alleged Defendant assaulted Joy Wright, his girlfriend, with whom he was residing. Defendant posted a \$5,000 bond. The Lewisville Police Department reported the offense will be referred to the Denton County District Attorney's Office for prosecution; (2) Defendant failed to submit a monthly supervision report for the months of February, 2017, and April, 2017; (3) As evidenced by Defendant's conviction for Driving While Intoxicated on January 24, 2017, Defendant failed to refrain from excessive use of alcohol on May 4, 2016; (4) Defendant failed to notify the U.S. Probation Office of his arrest by the Lewisville Police Department on April 30, 2017; and (5) From details provided by the Lewisville Police Department arrest report, Defendant consumed alcohol on April 30, 2017, prior to his arrest for Assault Causes Bodily Injury: Family Member.

At the hearing, Defendant entered a plea of true to Allegation 1 to only the portion pertaining to the Driving While Intoxicated conviction. Defendant also entered a plea of true to Allegations 2, 3, and 4. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 5, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with twenty-four (24) months supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Bastrop, if appropriate.

SIGNED this 13th day of June, 2017.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE